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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,159	01/15/2002	C. Hudson Hendren III	06975-036002	9294
26171	7590	05/19/2004	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			DINH, KHANH Q	
			ART UNIT	PAPER NUMBER
			2151	12
DATE MAILED: 05/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/045,159	HENDREN, C. HUDSON	
	Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 24-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 24-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 3/5/2004, PROSECUTION IS HEREBY REOPENED. The new Office Action sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 44-54 are presented for examination.

*Terminal Disclaimer*

3. The terminal disclaimer filed on 3/5/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the U.S. Pat No.6,353,855 has been reviewed and is accepted. The terminal disclaimer has been recorded.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2151

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. US pat. No.6,105,027 in view of Blaszczak, US pat. No.6,615,255.

As to claim 24, Schneider discloses a method of providing information based on user comprehension characteristics of a user, the method comprising:

receiving data related to one or more on a user and selecting a message from a plurality of messages based upon the received data related to one or more of a user's information (access information divided into five broad categories from database, see abstract, figs.2, 3, col.7 line 42 to col.8 line 58), wherein the plurality of messages include a first message that corresponds to a first data related to a first set of user information (user identification 313 fig.3) and a second message that corresponds to a second data related to a second set of user information (trust information) and providing the message (see col.8 line 59 to col.10 line 54 and col.11 line 54 to col.12 line 65).

Schneider does not specifically disclose the data information based on level of technical efficiency. However, Blaszczak discloses the data information based on level of technical efficiency (providing a list of configuration objects to users according to users' proficiency, see abstract, figs.1, 3, col.1 lines 36-60, col.3 line 33 to col.4 line 60 and col.5 lines 10-46). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blaszczak's message into the computer system of Schneider to exchange data information because it would have reduced the amount of data that has to be transmitted over the

communication link between home and remote systems and thus prevented the user from misconfiguring the remote system (see Blaszczak's col.2 lines 2-48).

As to claim 25, Schneider discloses that a first computer (client of fig.2) providing the message and transmitting the message to a second computer (server of fig.2) (see fig.2, col.7 line 42 to col.8 line 58 and col.23 line 14 to col.24 line 56)

As to claim 26, Schneider discloses performing message selection at a client (see fig.2, col.15 line 31 to col.16 line 44 and col.23 line 14 to col.24 line 56).

As to claims 27, 31-33, 42, 43, Blaszczak discloses the data information based on level of technical efficiency (providing a list of configuration objects to users according to users' proficiency, see abstract, figs.1, 3, col.1 lines 36-60, col.3 line 33 to col.4 line 60 and col.5 lines 10-46). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blaszczak's teachings into the computer system of Schneider to exchange data information because it would have reduced the amount of data that has to be transmitted over the communication link between home and remote systems and thus prevented the user from misconfiguring the remote system (see Blaszczak's col.2 lines 2-48).

As to claims 28 and 29, Schneider discloses selecting a message based on one or more preferred languages of the user (see fig.5, col.17 line 45 to col.18 line 65 and col.21 line 15 to col.22 line 34).

As to claim 30, Schneider discloses the message comprising at least one of the following: text, graphics, video, animation, sound and instructions (i.e., displaying information in windows, see col.23 line 14 to col.24 line 67).

As to claim 34, Schneider discloses receiving an HTTP (Hyper Text Transfer Protocol) indicator at the first computer in response to a user's HTTP request for a URL (Universal Resource Locator) provided by the second computer (see fig.3, col.3 line 32 to col.4 line 63 and col.8 line 59 to col.9 line 67).

As to claim 35, Schneider discloses an apparatus for providing a message based on user comprehension characteristics comprising:

a data receiver arranged and structured so as to receive data related to one or more user information (access information divided into five broad categories from database, see abstract, figs.2, 3, col.7 line 42 to col.8 line 58).

a data store (206 fig.2) arranged and structured so as to store a plurality of messages wherein the plurality of messages include a first message that corresponds to a first data related to a first set of user information (user identification 313 fig.3), a second message that corresponds to a second data related to a second set user information (Trust information) and a first computer that selects a message from the plurality of messages and provides the message (see col.8 line 59 to col.10 line 54 and col.11 line 54 to col.12 line 65).

Schneider does not specifically disclose the data information based on level of technical efficiency. However, Blaszczak discloses the data information based on level of technical efficiency (providing a list of configuration objects to users according to users' proficiency, see abstract, figs.1, 3, col.1 lines 36-60, col.3 line 33 to col.4 line 60 and col.5 lines 10-46). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blaszczak's message into the computer system of Schneider to exchange data information because it would have reduced the amount of data that has to be transmitted over the communication link between home and remote systems and thus prevented the user from misconfiguring the remote system (see Blaszczak's col.2 lines 2-48).

Claims 36 and 37 are rejected for the same reasons set forth in claims 27 and 29 respectively.

Claim 38 is rejected for the same reasons set forth in claim 1. As to the added limitations, Schneider further discloses receiving an indicator (indication 311 fig.3) and providing the message to a computer (fig.3, col.8 line 59 to col.9 line 67).

Claims 39-41 are rejected for the same reasons set forth in claims 26, 28 and 31 respectively.

As to claims 44-47 and 52-54, Schneider discloses that a message is performed at an intervening agent between a client computer and a server computer, a proxy server, a network status indicator and a web page (see Schneider's summary, figs.2, 3, col.21 line 15 to col.22 line 62 and col.25 lines 1-60).

Claims 48-51 are rejected for the same reasons set forth in claims 45, 46, 28, 29 and 29 respectively.

***Response to Arguments***

6. Applicant's arguments with respect to claims 24-54 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

7. Claims 24-54 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is 703-308-8528. The examiner can normally be reached on 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be contacted on 703-305-4792. The Official fax phone number for the organization where this application or proceeding is assigned to be (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

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Khanh Dinh

Examiner

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May 15, 2004